

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6233

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CALVIN MERLE MUNCY, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. W. Earl Britt, Senior District Judge. (CR-97-81)

Submitted: June 23, 2005

Decided: June 29, 2005

Before WIDENER, MICHAEL, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Calvin Merle Muncy, Jr., Appellant Pro Se. Christine Witcover Dean, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Calvin Merle Muncy, Jr., appeals the district court's order denying his motion to modify the fine imposed as part of his criminal sentence. Because only the government has the authority under 18 U.S.C. § 3573 (2000) to petition for modification or remission of a fine, and because the time for appealing from the sentence pursuant to 18 U.S.C.A. § 3742 (West 2000 & Supp. 2005) has expired, we affirm. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED